

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CINDY MOONSAMMY, *et al.*,

Plaintiffs,

-v-

DAVID C. BANKS, *et al.*,

Defendants.

24 Civ. 2616 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On September 30, 2024, the Court stayed this case pending resolution of the administrative proceedings on remand to the state review officer (“SRO”) in the related case of *Moonsammy v. Banks*, 23 Civ. 10491 (PAE). *See* Dkt. 56. The Court directed that “counsel, within 10 days of the issuance of a supplemented order by the SRO in 23 Civ. 10491, file such order on the docket of this case.” *Id.*

On October 25, 2024, SRO Justyn P. Bates issued his supplemented order. *See* 23 Civ. 10491, Dkt. 33-1. The Court notes, with dismay, that neither party filed SRO Bates’s supplemented order on the docket, as they were required to do.¹ On March 7, 2025, the Court issued an Opinion and Order resolving plaintiffs’ challenges to the SRO’s supplemented order in 23 Civ. 10491. *See* 23 Civ. 10491, Dkt. 40 (the “March 7, 2025 Decision”).

Accordingly, the Court lifts the stay in this case. It directs the parties promptly to meet and confer, and to submit, by March 27, 2025, a joint letter proposing next steps. The letter must include the parties views’ as to, *inter alia*, (1) whether there remains a live issue in this case, in

¹ The Court has noted the lack of reasonable diligence and unprofessional conduct by plaintiffs’ counsel, Brain Injury Rights Group (“BIRG”), in related litigation. *See, e.g.*, 23 Civ. 10491, Dkt. 40 at 18; 23 Civ. 10491, Dkt. 37 at 5; 23 Civ. 10491, Dkt. 31 at 25.

light of the Court's March 7, 2025 Decision; (2) the factual and legal overlap between this case and related cases, 24 Civ. 6483 and 24 Civ. 5151, which presents as significant, if not complete; and (3) whether, in light of such overlap, the Court should not consolidate this case with 24 Civ. 6483 and 24 Civ. 5151 and set a single briefing schedule.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer".

PAUL A. ENGELMAYER
United States District Judge

Dated: March 13, 2025
New York, New York